

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

YEHEZKEL ELIA and DAVID ELYAHO,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_

07-CR-543 (KMK)

ORDER

**KENNETH M. KARAS, U.S.D.J.**

At the Pretrial Conference held before the Court on June 4, 2008, for reasons stated fully on the record, the Court resolved the Parties' respective pretrial motions as follows:

The Government's Motion in Limine is GRANTED, to the extent that the Government is able to confirm that the evidence at issue had been previously turned over to Defendants in discovery.

Defendant Elia's Motion to Quash the Trial Subpoena served on Bernard Katz is DENIED. The records sought, or an affidavit stating that the records could not be found, shall be turned over to the Government by no later than June 16, 2008.

Defendant Elia's Motion in Limine is GRANTED in part and DENIED in part. To satisfy its *Giglio* obligations, the Government shall inquire and notify Defendants as to whether Paul Lenok was ever fined or investigated for tax fraud by the Internal Revenue Service, or whether he was ever the subject of an investigation by the United States Attorney's Office for tax fraud.

Defendant Elyaho's Application for Severance is DENIED.

The Clerk of Court is respectfully directed to terminate the pending motions (Dkt. Nos. 38 and 41).

SO ORDERED.

DATED: June 9, 2008  
White Plains, New York

  
KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE